

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JOSEPH ALBERT TAYLOR,	)	4:03CV3124
	)	
Plaintiff,	)	
	)	
vs.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
	)	
RAYMOND EDELMAN, et al.	)	
	)	
Defendants.	)	

I held a status conference with the pro se plaintiff and counsel for the defendants by telephone on January 19, 2006. One matter came up that is troubling.

Magistrate Judge Gossett entered an order (filing 83) on October 24, 2005 that required one of the defendants, Harold W. Clarke, to appear at trial. Judge Gossett also ordered that defendants' counsel make Mr. Clarke aware of his obligation to attend trial. Defendants' counsel advised the undersigned on January 19, 2006 that Mr. Clarke is no longer employed by the State of Nebraska and, despite Judge Gossett's order, Mr. Clarke refused to appear for trial. I advised counsel that Mr. Clark's refusal to attend trial, particularly coming only 3 days before trial, and without any warning, may cause me to impose sanctions up to and including entry of default judgment.

IT IS SO ORDERED. That is, the Court warns the defendants and each of them that the court may impose sanctions for the failure of Mr. Clarke to attend trial in violation of Judge Gossett's order up to and including the entry of judgment for the plaintiff. A copy of this memorandum and order shall be provided to Magistrate Judge Gossett.

January 20, 2006.

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge